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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER LEE
SWARTWOOD,

Defendant.

No. 12-CR-179-S

JOINT STATUS REPORT AND MOTION TO CONTINUE TRIAL

Comes now the Defendant, Christopher Lee Swartwood, by and through his attorney, Andrew Parnes, and the United States by and through Jason M. Conder,

Assistant United States Attorney for the District of Wyoming, and hereby provides a joint status report as set by court order dated September 7, 2012, and as outlined in detail below the parties respectfully requests this Court continue the current trial date of December 17, 2012:

1. On July 19, 2012, the Grand Jury returned an indictment against the Defendant alleging two counts of felon in possession of firearm, in violation of 18 U.S.C. §§922 (g)(1) and 924 (e).
2. The Defendant was arrested and taken for an initial appearance before Magistrate Judge McKee, on July 26, 2012. Subsequently, the Defendant was detained at a July 30, 2012, detention hearing. Trial was originally set for October 1, 2012, in Casper, Wyoming.
3. The Federal Public Defender's Office was appointed to represent the Defendant on July 20, 2012, however, current counsel was not hired by the Defendant and did not enter an appearance for Mr. Swartwood until August 29, 2012. Counsel has been provided over approximately 1700 pages of discovery and several hours of tape recordings, which he has and continues to review.
4. The indictment alleges two separate and distinct charges of firearm possession, carrying a possible sentence of thirty years to life.

5. Based on the materials provided to date, undersigned counsel has conducted and continues to conduct extensive investigation in order to prepare for trial.
6. On September 4, 2012, the Defendant filed an unopposed motion to continue the trial date.
7. On September 7, 2012, the Court held a hearing on, and granted the Defendant's motion to continue trial. The Court set trial for December 17, 2012, in Casper, and ordered the parties to submit a joint status report on or before November 21, 2012, and set December 3, 2012, as the plea agreement deadline.
8. The Government and the Defendant have been preparing for trial, yet, have also remained in constant contact working cooperatively trying to resolve this matter without the need for trial. As part of this effort, the parties have recently entered into a proffer agreement, and a proffer session has been set for November 27, 2012. However, due to the recent nature of this development and the Thanksgiving Holiday it is unlikely that the parties will be able to finalize the plea agreement by the December 3, 2012, plea agreement deadline. Based on this recent development and the obvious and accompanying shift in tactics for the resolution of this matter should the proffer session and subsequent plea negotiations be unsuccessful there will

be insufficient time to adequately prepare for the before December 17, 2012, trial.

9. The factors to be considered in granting a continuance beyond the speedy trial date are set forth in 18 U.S.C. § 3161(h)(7)(B). These factors include whether the failure to grant a continuance is likely to result in a miscarriage of justice, whether the matter is complex or whether counsel for the Defendant or the Government would be denied the reasonable time necessary for effective preparation for trial. *See Zeder v. United States*, 547 U.S. 489 (2006).
10. As noted above there is voluminous discovery, the Defendant is facing a statutory minimum mandatory term of imprisonment of fifteen years, there has been a recent shift in strategy for the resolution of this case, yet, should this strategy be unsuccessful the parties will have insufficient time to properly and adequately prepare for trial. Additional time is needed to address the resolution of this case without necessity of trial, or complete preparations for a proper defense at trial. Accordingly, for these reasons, the ends of justice will be served by granting a continuance, and the basis for the requested continuance outweighs the public's interest in a speedy trial.

11. Undersigned counsel for the Defendant has met with the Defendant, Mr. Swartwood, and Mr. Swartwood concurs with the need to continue the trial beyond date now set for trial.
12. For all of the aforementioned reasons, the parties respectfully request trial in this matter be set beyond the speedy trial date and to continue the trial to a time convenient to the Court, permitting a plea agreement deadline of January 14, 2013.

Respectfully submitted this 16th day of November, 2012.

Andrew Parnes

CHRISTOPHER A. CROFTS
United States Attorney

/s/ Andrew Parnes
Counsel for the Defendant

By: /s/ Jason M. Conder
Assistant United States Attorney
For the District of Wyoming

CERTIFICATE OF SERVICE

The undersigned certifies that on the 16th day of November, 2012, a true and correct copy of the foregoing document was served upon Counsel of Record via CM/ECF or Court's Electronic Filing System.

/s/ Andrew Parnes